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SUBJECT: Day of Disappointment at Kivus Conference

¶1. (SBU) Summary: January 22, the day the Kivus Conference was supposed to close, started with optimism in the anticipation that it would be the day of signing of an accord to end conflict in the Kivus. The day bogged down, however, as the CNDP went back on its commitment of the previous day. Despite these setbacks, there is optimism differences will be resolved. End summary.

¶2. (SBU) The thousand-plus participants at the Kivus Conference, which began on January 6, gathered at the conference center January 22 in a predominantly hopeful, even enthusiastic mood, anticipating a final plenary session, approval of a long list of recommendations to bring reconciliation, and most importantly, the signing of a commitment ("acte d'engagement") among the armed groups and the government to cease fire and disengage and integrate troops. An airplane was laid on to bring members of the diplomatic corps from Kinshasa, and President Kabila was on hand in Goma to preside.

¶3. (SBU) The day of closure had been extended, as the government and CNDP had pursued several days' negotiations. However, midday on January 21 the conference leaders met the international representatives present in Goma to announce that a compromise document had been agreed by the two sides. Significantly, the government had agreed, despite deep reservations, to promise CNDP and other armed groups amnesty for acts of insurrection (not crimes against humanity). It had also separated the CNDP out from the other armed groups in the document as being a "political-military group." Now it appeared that it only remained for the government to negotiate with the other armed groups (Mai Mai, Pareco, and the like). By the evening of January 21, those negotiations were complete with no major changes to the document, except for a listing of the Mai Mai groups by name.

¶4. (SBU) On January 22, the anticipated day of closure, the conference president, Father Apollinaire Malu Malu, never showed up at the conference site, Kabila kept to his quarters, the airplane carrying diplomats got as far as Bukavu and turned around to go back to Kinshasa, the conference plenary only began at 14:30, and that plenary only sporadically covered a few conference declarations, and adjourned early in disarray.

¶5. (SBU) From the beginning of the day, Malu Malu, with other conference and government leaders, were caught up at the Karibu Hotel, two miles from the conference center, in discussions with the CNDP delegation. The CNDP delegation, under instruction from Laurent Nkunda, backpedaled on the agreement they had made the previous day. The specific issues that they were raising were not immediately clear, as the CNDP delegation leaders were inarticulate or intentionally unclear, and Malu Malu (while a superb conference moderator) proved to be a poor negotiator, in a government team divided by conference moderates and government hardliners. Several hours of the morning were squandered in ineffectual discussion.

¶6. (SBU) Greater clarity began to emerge in the afternoon when EU Special Envoy Roeland van de Geer and Senior Adviser to the Assistant Secretary for African Affairs Tim Shortley, with Belgian Consul General Hugues Chantry and MONUC Political Affairs Director Christian Manahl, were brought into the discussions. Further clarity and energy were infused when National Assembly President (and leader of the Conference's Committee of Wise Men) Vital Kamerhe joined, and then led, the discussions, and when the new Special Representative of the Secretary General Alan Doss arrived on the scene. (Doss came by a special small MONUC aircraft, thinking, like others, that he was coming for the conference closure.) Discussions went past midnight.

¶7. (SBU) In the end, there proved to be only three points at issue:

-- The title and opening of the "Acte d'Engagement" indicated that it was an undertaking by the CNDP and other armed groups, not the government ("Act of Engagement by the CNDP and the Armed Groups of North Kivu for Peace, Security, and Development in the Province of North Kivu," modified by the other armed groups to list them all by name).

-- The principal consequence of this title and opening was that CNDP read the document to indicate that only the CNDP and other armed groups were bound by the first article dealing with cease fire, although the FARDC was specifically bound to the provisions on disengagement in article two and even though the government, with international observers, would be signatory to the document.

-- The second article set up a Technical Commission to oversee disengagement, brassage, and DDR, and the CNDP wanted it also to cover political issues.

KINSHASA 00000064 002 OF 002

¶8. (SBU) The second and third issues were taken care of by mid-afternoon. The government agreed to add to a list of "Political and Judicial Guarantees" in article four a new point: "The Government of the DRC undertakes . . . in conformance with the pertinent recommendation of the Conference . . . to decree and respect the ceasefire, as stipulated in article 1." To meet the demand that the Technical Commission cover political issues, the words "mixed peace and security" were added to the clause establishing the Technical Commission: "A mixed Peace and Security Technical Commission, under the facilitation of the International Community, will be legally instituted by the Government to examine and finalize the following questions..." (all having to do with disengagement, brassage, and DDR).

¶9. (SBU) The first issue -- title/opening -- was not resolved when the parties broke up after midnight. The government side, now forcefully led by Kamerhe, offered a compromise by which the title would read only: "Democratic Republic of Congo: Act of Engagement," and the opening sentence would read, "We, the CNDP, Political-Military Movement, Pareco, Mai-Mai Kasindien, Mai-Mai Kifuaafua, Mai-Mai Vurondo, Mai-Mai Mongol, UJPS, Mai-Mai Rwenzori, and Simba, in the presence of the Government and of the Representatives of the International Community, facilitators of the present act of engagement, seize this historic opportunity to . . ." The CNDP delegation insisted that "in the presence of" did not meet its requirements, while Kamerhe insisted that it was impossible for the government and CNDP to be put on the same level in the opening of the document, when it was clear that by any reading of the document the government was making an unequivocal undertaking. He said that the government had conceded on every other point and it appeared that the CNDP was seeking to humiliate it.

¶10. (SBU) At the end of discussions, with all sides thoroughly exhausted, the CNDP delegation initialed the document, agreeing to every point except the title/opening. They said that they would travel during the night to Kitchanga to confer with Nkunda and in the morning of January 23 they would either return by MONUC helicopter with Nkunda's authorization to sign, or they would communicate that Nkunda had not accepted.

¶11. (SBU) Comment: In conversations with Special Advisor Shortley early Wednesday morning (January 23), Charge was apprised of parallel efforts outside the Conference to influence the CNDP delegation and to deal directly with Nkunda. Shortley emphasized that the Conference is not over and there is good reason to believe that differences will be overcome and the "Acte d'Engagement" soon signed. End comment.

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